

REMARKS/ARGUMENTS

This letter is responsive to the Office Action mailed on June 28, 2005. The claims have been amended in response to the outstanding Office Action. No new matter has been added by the amendments.

Drawings objected to under 37 CFR 1.83(a)

The Examiner has objected to the drawings under 37 CFR 1.83(a) since they do not show every feature of the invention specified in the claims. Specifically, the Examiner states that the figures should show that the solar panel assembly is rotatably coupled to the mounting bracket or this features cancelled from the claims.

Accordingly, the Applicant has cancelled claim 4 from the claims.

Claims 1 to 5, 7 to 10, 12 and 13 Rejected under 35 U.S.C. 103(a)

The Examiner has rejected claims 1, 2, 4, 5 and 7 under 35 U.S.C. 103(a) as being obvious in view of Tanner et al. (U.S. Patent No. 5,217,296), in view of Mayse (U.S. Patent No. 4,714,219) and Krogsrud (U.S. Patent No. 4,744,019).

Specifically, the Examiner states that it would have been obvious to one skilled in the art at the time the invention was made to provide a solar powered lighting device including a lamp, a rechargeable battery, and a solar panel where a mounting bracket is used to support the device and the connector arm coupled to the lamp and where the mounting bracket is attached to the wall. The Examiner states that it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Tanner et al. with a supporting bracket, as taught by Mayse, for attachment,

and the connector arm, as taught by Krogsrud, in order to improve adjustability of the lamp and obtain the various positions of illumination.

The Examiner also rejects claim 3 under 35 U.S.C. 103(a) as being obvious in view of Tanner et al., Mayse and Krogsrud as applied to claim 1 and further in view of Constable (U.S. Patent No. 5,781,804).

Further, the Examiner rejects claims 8 to 10 and 12 under 35 U.S.C. 103(a) as being unpatentable over Tanner et al. in view of Krogsrud. The Examiner states that it would have been obvious to one having ordinary skill in the art at that time the invention was made to provide the device of Tanner et al. with the connector arm, as taught by Krogsrud in order to improve adjustability of the lamp and obtain the various positions of illumination.

Finally, the Examiner rejects claim 13 under 35 U.S.C. 103(a) as being obvious in view of Tanner et al., Mayse and Krogsrud since it would have been obvious to provide the device of Tanner et al. with the supporting bracket as taught by Mayse for attachment, and a connector arm, as taught by Krogsrud in order to improve adjustability of the lamp and obtain the various positions of illumination.

The Applicant has amended independent claims 1, 8 and 13 to include the common feature of claim 6 and 11, namely that the connector arm contains at least one wedge-shaped protrusion for securing the connector arm within the eaves trough and the outer wall surface and cancelled claims 4, 6 and 11. As set out on page 6 of the Office Action, the Examiner has stated the subject matter of claims 6 and 11 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Accordingly, the Applicant respectfully submits that the subject matter claimed in independent claims 1, 8 and 13, as amended is not shown nor suggested by the Tanner et al., Mayse or Krogsrud references either alone or in combination. It is further submitted that claims 2 to 3, 5, 7, 9, 10 and 12 and recite additional patentable features that are neither taught nor suggested by the Tanner et al., Mayse or Krogsrud references either alone or in combination.

Withdrawal of the Examiner's rejection of claims 1 to 3, 5, 7 to 10, 12 and 13 is respectfully requested.

Claims 6 and 11 Allowed

The Examiner has indicated that claims 6 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

The Applicant has amended independent claims 1, 8 and 13 to include the common feature set out in claim 6 and 11, specifically, that the connector arm contains at least one wedge-shaped protrusion for securing the connector arm within the eaves trough and the outer wall surface.

In view of the foregoing, the Applicants respectfully submit that the application is now in condition for allowance and request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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